

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

PRECIOUS WILEY, Surviving Spouse  
of Randy B. Wiley,

Plaintiff,

v.

CV 120-102

UNITED STATES GOVERNMENT;  
DEPARTMENT OF VETERANS  
AFFAIRS; and EISENHOWER ARMY  
MEDICAL CENTER,

Defendants.

## ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 9.) The Magistrate Judge recommended dismissal of the case without prejudice because Plaintiff failed to timely effect service of process. (See doc. no. 7.) In her objections, Plaintiff argues that she served the three named Defendants with a copy of the complaint, as demonstrated by providing certified mail tracking numbers. (See generally doc. no. 9.)

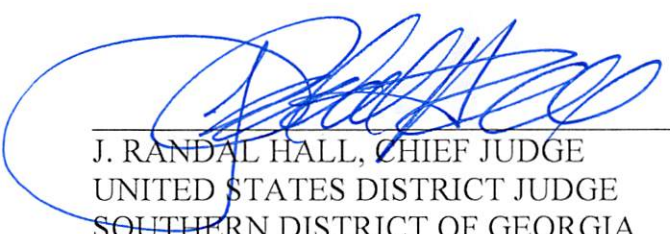
However, as the Magistrate Judge explained in both his July 22, 2020 Order and November 5, 2020 Report and Recommendation, Federal Rule of Civil Procedure 4 requires service of the summons and complaint on specific entities, including the civil process clerk at the office of the United States Attorney for the Southern District of Georgia. (Doc. no. 3, pp.

1-2; doc. no. 7, p. 2.) Plaintiff's objections state that she served only a copy of the complaint on the three named Defendants. (See doc. no. 9.) Moreover, service of the objections does not satisfy the Rule 4 requirements for service of the summons and complaint.

Finally, the Court recognizes Plaintiff requests a non-specific extension of time "if need be to file other objections." (Id.) However, the Court cannot advise Plaintiff beyond the information in the November 5, 2020 Order about the "need" for objections, and Plaintiff's description of her attempts at service show the Magistrate Judge correctly concluded the case is due to be dismissed. Thus, to the extent Plaintiff intended to request additional time to object only if the Court did not accept as satisfactory her service efforts, the request is denied as procedurally improper.

Accordingly, the Court **OVERRULES** all of Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** Plaintiff's complaint without prejudice based on the failure to timely effect service, and **CLOSES** this civil action.

SO ORDERED this 30<sup>th</sup> day of November, 2020, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA